

PELTON & ASSOCIATES PC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MICHELLE GERMAN, Individually and on
Behalf of All Others Similarly Situated,**

Plaintiff,

-against-

**DELOITTE LLP, DELOITTE & TOUCHE
LLP, DELOITTE SERVICES LP and
DELOITTE CONSULTING LLP, Jointly
and Severally,**

Defendants.

ECF Case

12 Civ. 2470 (RWS)

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Brent E. Pelton, Esq., sworn to November 15, 2013, the exhibits annexed thereto, the accompanying memorandum of law in support of the Plaintiff's motion for preliminary approval of the settlement agreement, and all the pleadings and proceedings heretofore had herein, the undersigned moves this Court, before the Hon. Robert W. Sweet, United States District Judge, in the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order:

(1) preliminarily approving the settlement reached by the parties in this action as embodied in their Settlement Agreement And Release (*See* Exhibit B to Pelton Declaration);

(2) provisionally certifying the following New York Class under Federal Rule of Civil Procedure 23 in connection with the settlement process:

All persons who, at any time from April 2, 2006 and October 31, 2013, worked for one or more of the Defendants as a Level IV Technology Services employee, Level IV Technology Analyst, Associate Technology Support employee, Technology Support employee, or Senior Technology Support employee whose primary work location, while employed in a Class Position, was in the State of New York for at least 30 days during the Class Period;

(3) conditionally certify the following Nationwide Class under 216(b) of the Fair Labor Standards Act in connection with the settlement process and approve the Nationwide Class Settlement:

All persons who, at any time from October 1, 2009 and October 31, 2013, worked for one or more of the Defendants as a Level IV Technology Services employee, Level IV Technology Analyst, Associate Technology Support employee, Technology Support employee, or Senior Technology Support employee at any premises in the United States who is not a member of the New York Class;

(4) approving the New York Class Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing (“Proposed NY Class Settlement Notice”) attached to the Pelton Declaration as **Exhibit C** and the Nationwide Class Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing (“Proposed Nationwide Class Settlement Notice”) attached to the Pelton Declaration as **Exhibit D**; and direct their distribution;

(5) appointing Pelton & Associates, P.C. as Class Counsel;

(6) appointing Simpluris, Inc. as the administrator of the Settlement;

(7) instructing the parties to appear before this Court for a Final Approval and Fairness Hearing on a date approximately seventy-five (75) days from the date of the Preliminary Approval Order; and

(8) for such other and further relief as the Court may deem just and proper.

For the Court's convenience, attached hereto as **Exhibit 1** please find Plaintiff's [PROPOSED] ORDER ON PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT.

Dated: New York, New York
November 15, 2013

Respectfully submitted,

PELTON & ASSOCIATES, PC

By: /s/Brent E. Pelton
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